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8/12/2016 2:04 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
INEZ NICAISSÉ,

Plaintiff,

-against-

MEMORANDUM & ORDER
14-CV-1570 (JS) (GRB)

STEPHENS AND MICHAELS ASSOCIATES, INC.,

Defendant.
-----X

APPEARANCES

For Plaintiff: Alan J. Sasson, Esq.
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For Defendant: Jonathan David Elliot, Esq.
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Bridgeport, CT 06604

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Gary R. Brown's Report and Recommendation ("R&R") recommending that this Court grant plaintiff Inez Nicaisse's ("Plaintiff") motion for attorneys' fees and costs (Docket Entry 30) and award Plaintiff

attorneys' fees and costs totaling \$13,168.65. For the following reasons, the Court ADOPTS Judge Brown's R&R in its entirety.

BACKGROUND

On March 10, 2014, Plaintiff commenced this action against defendant Stephens and Michaels Associates, Inc. ("Defendant"), asserting a claim under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et. seq. (the "FDCPA"). (See generally Compl.) The Complaint alleges that Defendant, a debt collector, violated the FDCPA by leaving a misleading voice message regarding a consumer debt that was overheard by Plaintiff's daughter. (Compl. ¶¶ 5, 22-6.) On August 21, 2015, Plaintiff moved for summary judgment. (Docket Entry 24.) On December 28, 2015, the Court awarded Plaintiff summary judgment on the issue of liability and directed Plaintiff to file a separate application for attorneys' fees and costs. (Docket Entry 29.)

On January 15, 2016, Plaintiff filed a motion for attorneys' fees. (Docket Entry 30.) On April 12, 2016, the Court referred Plaintiff's motion to Judge Brown for an R&R on whether the motion should be granted and the appropriate amount of costs and fees to be awarded. (Docket Entry 31.) On June 9, 2016, Judge Brown issued his R&R. (Docket Entry 32.) The R&R recommends that the Court grant Plaintiff's motion and award Plaintiff \$12,447.00 in attorneys' fees and \$721.65 in costs, for a total award of \$13,168.65. (R&R at 21.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived. Upon careful review and consideration, the Court finds Judge Brown's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Brown's R&R (Docket Entry 32) is ADOPTED in its entirety and Plaintiff is awarded \$12,447.00 in attorneys' fees and \$721.65 in costs. The Clerk of the Court is directed to enter judgment accordingly and mark this case CLOSED.

SO ORDERED

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: August 12, 2016
Central Islip, New York